

## **REMARKS/ARGUMENTS**

The present application has been carefully reviewed in light of the September 4, 2008 Office Action. In that Office Action, the Examiner asserted that the prior amendments overcame the prior rejections. However, the amendments introduced matter which the Examiner did not find supported in the Specification, and thus rejected the claims under 35 U.S.C. §112.

On December 3, 2008, applicants' attorney, Aaron Borrowman, held a telephone conference with Examiner Krasnic and his supervisor Mr. Wu. The §112 rejection was discussed and the Specification was reviewed. It was determined that the Examiner found confusion with the term "associating the one or more assigned identification codes with the . . . product." It was decided between applicants' attorney, the Examiner, and his supervisor that the "associating" term would be replaced with "labeling", which is clearly supported in the Specification, and which removes any doubt as to whether the governing body or the manufacturer is labeling the manufactured product with the one or more identification codes.

As such, independent claim 1, and claims 34 and 36 depending therefrom, independent claim 38 and claims 44 and 45 depending therefrom have been amended to replace "associating" with "labeling", as indicated above. Applicants' attorney notes that independent claim 47 required no such amendment as that claim states that "the first and second manufacturers attaching a label to the first and second products or product packaging, the label including the assigned one or more color names or identification codes corresponding with the one or more colors of the manufactured first and second products" was already recited. Thus, applicants respectfully assert that independent claim 47, and those claims depending therefrom, were improperly rejected under §112, and require no amendment.

Examiner Krasnic and his supervisor indicated that such amendments would overcome the §112 rejections. Moreover, the claims would be patentably distinct from the prior references cited in this case, but that Examiner Krasnic would do additional

searching to determine if there were any additional references which might pose patentability issues with the claims in their current state. If no such references are found, the Examiner indicated that the case would move towards allowance.

Respectfully submitted,

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